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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,841	09/23/2003	Larry E. Wilson	210_618	4977
20874	7590	04/05/2005	EXAMINER	
WALL MARJAMA & BILINSKI 101 SOUTH SALINA STREET SUITE 400 SYRACUSE, NY 13202			VORTMAN, ANATOLY	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A/C

Office Action Summary	Application No.	Applicant(s)
	10/668,841	WILSON, LARRY E.
	Examiner	Art Unit
	Anatoly Vortman	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Claim 1 recites the limitation: "switch" in line 6 of the claim. Evidently the "fuse" should be recited, since only the "fuse" has been positively set forth earlier in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6, 7, 9, 11, 12, and 14, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/5,606,483 to Sawai et al., (Sawai).

Regarding claims 1, 2, 4, 11, 12, and 14, Sawai disclosed (Fig. 5) a precisely identical indicating system for a resettable fuse, as recited in the claims, including a PTC resettable fuse (1) and connected in series indicating LED and resistor (10), both connected in parallel with said resettable PTC fuse (1), (column 4, lines 52-67; column 5, lines 1-14).

Regarding method claims 6, 7, and 9, the method steps recited in the claims are inherently necessitated by the device structure as disclosed by Sawai.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 8, 10, 13, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawai ('483) taken with either US/4,459,040 to Vories or with US/2004/0032221 to Bushell et.al., (Bushell).

Regarding claims 3, 5, 13, and 15, Sawai disclosed all, but a diode connected in series with the resistor and LED.

Vories disclosed a LED indicating system (Fig.6) comprising LED's (32, 33) connected in series with resistors (68, 71) and with diodes (67, 70), wherein said diodes (67, 70) are for reverse voltage protection of said LED's (32, 33), (column 5, lines 9-19).

Bushell also disclosed LED indicating system (Fig. 1) comprising LED (20) connected in series with the resistors (R6) and with the diode (D1), wherein said diode (D1) is for reverse voltage protection of said LED (20), (p.3, right column, paragraph [0056]).

Since all of the aforementioned devices are from the same field of endeavor (LED indicating systems), the purpose of the reverse voltage protection diode disclosed by either Vories or Bushell will be recognized in the invention of Sawai.

It would have been obvious to a person of ordinary skill in the pertinent art to provide a diode connected in series with the LED and resistor of indicating system of Sawai, as taught by either Vories or Bushell, in order to achieve reverse voltage protection for the LED of Sawai.

Regarding method claims 8 and 10, the method steps recited in the claims are inherently necessitated by the device structure as disclosed by combinations of either Sawai and Vories or of Sawai and Bushell.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/4499447, 2004/0257191, 4394602, 4641120, 4673928, 4691197, 4695815, 5598138, 5659283, H248, 6542061, 6448897, 4876622, 4635021, 5973418, 5701118, 4652867, and 6587027 disclosed various optical fault indicators for electrical fuses, switches, and circuit breakers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835



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